

REMARKS

Applicant has carefully reviewed the Office Action of 18 April 2003 and appreciates the telephonic interview of 11 June 2003 at which time the term "decompose" was discussed.

The present invention automates an area known in the industry as unit testing. To achieve this automation, the present invention decomposes the test suites; defines one or more standards schemes of procedure testing; and provides a skeleton description for each scheme in a skeleton definition language. The skeleton description is then transformed into a skeleton tool for generating the test suite. The skeleton description language is described *inter alia* at page 19, lines 16-28.

Claims 1-5, 8, 9, 15, 16, 18, 19, 24, and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Logan. Applicant respectfully traverses. For an anticipation rejection to be proper, the Patent Office must show where each and every claim element is located in the reference, and the reference elements must be arranged as the claim elements are arranged. MPEP § 2131. Further, while ordinarily the Patent Office is entitled to give terms their broadest reasonable plain meaning, if the Applicant defines a term in the specification, Applicant's definition is controlling and the Patent Office is bound thereby. MPEP § 2111.01.

Claim 1 recites "decomposing existing test suites . . ." Applicant defines "decompose" on page 19, lines 8-10 of the specification. Specifically, that text states "[e]very large system consists of subsystems. A structure that exposes the hierarchical construction of the subsystem is called its decomposition." As discussed with the Examiner during the telephonic interview, the passage in Logan that closest resembles Applicant's decomposition can be found at column 7, lines 36-40, not the passage cited by the Patent Office at column 4, lines 46-51. Further, the passage at column 7, lines 36-40 does not show the decomposition of existing test suites as recited in the claims, but rather shows the decomposition of the objects to be tested. During the interview, the Examiner indicated that he had given "decompose" its plain meaning, not the specific definition of the specification. In light of this error, it is clear that claim 1 and its dependents, claims 2-4, 15, and 16, are not anticipated by Logan.

Further, Logan does not disclose the skeleton definition language. While Logan does mention a skeleton program at column 7, lines 36-37, there is no indication that this skeleton program is written in a skeleton definition language, as recited in claim 1. Since there is not an

explicit recitation that the skeleton program is in a skeleton definition language, the claim is not anticipated.

Claim 18 recites "a decomposer for decomposing test suites . . ." The Patent Office indicates that claim 18 is anticipated for the same reasons that claim 1 is anticipated without any further analysis. As explained above, the decomposer of the reference does not decompose test suites and thus, claim 18 is not anticipated by Logan. Claim 18 also recites the skeleton definition language. Since this claim element is not shown, the claim is not anticipated. Claim 19 depends from claim 18 and is not anticipated for at least the same reasons that claim 18 is not anticipated.

Claim 24 recites "decomposing existing test suites . . ." Claim 24 is rejected in relevant part for the reasons set forth with respect to claim 1. As explained above, the decomposing of the reference does not decompose test suites and thus, claim 24 is not anticipated by Logan. Claim 24 also recites the skeleton definition language. Since this claim element is not shown, the claim is not anticipated. Claim 25 depends from claim 24 and is not anticipated for at least the same reasons that claim 24 is not anticipated.

Claims 6 and 7 were rejected under 35 U.S.C. § 103 as being unpatentable over Logan in view of Rohrbaugh et al. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is shown in the combination. MPEP § 2143.03. As explained above, Logan does not teach decomposing the existing test suites which are recited in the underlying independent claim. Furthermore, nothing in Logan teaches or suggests the skeleton definition language. Nothing in Rohrbaugh et al. cures these deficiencies. Since neither reference individually teaches nor suggests the claim elements, the combination of references does not teach or suggest the claim elements. Since the claim elements are not taught or suggested by the combination of references, the claims are non-obvious over the rejection of record.

Claims 10-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Logan in view of Loukianov. Applicant respectfully traverses. The standard for establishing obviousness is set forth above. As further explained above, Logan does not teach decomposing the existing test suites which are recited in the underlying independent claim. Furthermore, nothing in Logan teaches or suggests the skeleton definition language. Nothing in Loukianov cures these deficiencies. Since neither reference individually teaches nor suggests the claim elements, the

combination of references does not teach or suggest the claim elements. Since the claim elements are not taught or suggested by the combination of references, the claims are non-obvious over the rejection of record.

Claim 17 was rejected under 35 U.S.C. § 103 as being unpatentable over Logan in view of Ahanessians et al. Applicant respectfully traverses. The standard for establishing obviousness is set forth above. As further explained above, Logan does not teach decomposing the existing test suites which are recited in the underlying independent claim. Furthermore, nothing in Logan teaches or suggests the skeleton definition language. Nothing in Ahanessians et al. cures these deficiencies. Since neither reference individually teaches nor suggests the claim elements, the combination of references does not teach or suggest the claim elements. Since the claim elements are not taught or suggested by the combination of references, the claim is non-obvious over the rejection of record.

Claim 20 was rejected under 35 U.S.C. § 103 as being unpatentable over Logan in view of Fowlow et al. Applicant respectfully traverses. The standard for establishing obviousness is set forth above. As further explained above, Logan does not teach a decomposer that decomposes the test suites, which are recited in the underlying independent claim. Furthermore, nothing in Logan teaches or suggests the skeleton definition language. Nothing in Fowlow et al. cures these deficiencies. Since neither reference individually teaches nor suggests the claim elements, the combination of references does not teach or suggest the claim elements. Since the claim elements are not taught or suggested by the combination of references, the claim is non-obvious over the rejection of record.

Claims 21 and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Logan in view of Rohrbaugh et al. and further in view of Loukianov. Applicant respectfully traverses. The standard for establishing obviousness is set forth above. As further explained above, Logan does not teach decomposing the existing test suites which are recited in the underlying independent claim. Furthermore, nothing in Logan teaches or suggests the skeleton definition language. Nothing in Rohrbaugh et al. or Loukianov cures these deficiencies. Since none of the references individually teach or suggest the claim elements, the combination of references does not teach or suggest the claim elements. Since the claim elements are not taught or suggested by the combination of references, the claims are non-obvious over the rejection of record.

Applicant further notes that the analysis of claim 22 relies on Fowlow et al., which was not used as part of the rejection. Applicant requests clarification of this rejection.

Applicant requests reconsideration of the rejection in light of the arguments presented herein. Specifically, the references of record do not decompose the test suites as recited in the claim, nor do the references teach the skeleton definition language. Since the references do not show the claim elements, the claims define thereover and are in a condition for allowance.

Respectfully submitted,

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